S.B. CIVIL WRIT PETITION NO.1824/2007
Arjun Singh Songara
vs
State of Rajasthan & Ors.

DATE OF ORDER : - 13.7.2007

HON'BLE MR.PRAKASH TATIA,J.

Mr.Girish Sankhala, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner's prayer in this writ petition is two fold, one is that the petitioner submitted a petition under Section 58 to challenge the election of the respondent society, which held on 4th Nov., 2006. Copy of the complaint has been submitted by the petitioner under Section 58 of the Act of 2001 is Annex.2. According to learned counsel for the petitioner though the said dispute was raised in Dec., 2006, yet not single date has been fixed by the Asstt. Registrar, Cooperative Societies, Sirohi – cum – arbitrator, therefore, direction be issued to the said authority to hear and decide the petitioner's petition for challenge to the election of the society. The second grievance of the petitioner is that because of that dispute raised by the petitioner, the respondent – society by order dated 9th Marc, 2007 removed the petitioner from the membership of the society. It is submitted that the said power has been exercised under the repealed Act of 1965, which was

repealed by the Act of 2001.

Since the society has power to remove the member and if they have mentioned some wrong provision of law by itself cannot be a ground for setting aside the order of the society and particularly, when the order is appealable order.

In view of the above reason, the petitioner may challenge the order dated 9th March, 2007 by preferring an appeal and in case, the appeal is preferred then the appellate authority may consider the condonation of delay in preferring the appeal sympathetically.

If the Asstt. Registrar (Arbitrator), Cooperative Societies, Sirohi has not decided the petitioner's dispute raised under Section 58 filled to challenge the election of the society – Ex- Sainik, Multipurpose Cooperative Societies Ltd., Sirohi then the petition may be decided expeditiously within a period of six months from the date of placing on record the certified copy of this order by the petitioner to the said authority.

The writ petition of the petitioner is, therefore, disposed of accordingly.

(PRAKASH TATIA), J.

c.p.goyal/-